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Attorneys for Plaintiff
DREYER'S GRAND ICE CREAM, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DREYER'S GRAND ICE CREAM, INC. a
Delaware corporation,

Plaintiff,

v.

ICE CREAM DISTRIBUTORS OF
EVANSVILLE, LLC, a Kentucky limited
liability company, and SPIN CITY
HOLDINGS, LLC an Indiana limited liability
company,

Defendants.

Case No. 10-00317 EMC (LB)

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE SETTLEMENT
CONFERENCE**

Date: March 7, 2011

Time: 9:30 am

Mag. Judge: Honorable Laurel Beeler

Pursuant to ADR 7-4 and Civil L.R 6-2 and 7-12, Dreyer's Grand Ice Cream, Inc.
("Dreyer's") and Ice Cream Distributors of Evansville, LLC and Spin City Holdings, (collectively
"Defendants") hereby stipulate and request and Order to continue the Settlement Conference
scheduled for March 7, 2011 until a date after the Court rules on the parties' pending Motions for



Summary Judgment.

STIPULATION

WHEREAS the Court has scheduled a settlement conference in the above-entitled action for March 7, 2011 at 9:30 a.m. (Dkt. No. 53);

WHEREAS the parties have each filed motions for summary judgment set for hearing on March 23, 2011;

WHEREAS the parties believe a settlement conference before the Court rules on the parties' motions for summary judgment will not be productive;

WHEREAS the parties have previously stipulated to reschedule the settlement conference (Dkt. Nos. 37, 47, 53);

IT IS HEREBY STIPULATED AND AGREED by and among the parties and their counsel that the Settlement Conference currently scheduled for March 7, 2011 shall be continued. The parties propose that the settlement conference not be rescheduled until the Court rules on the parties' motions for summary judgment.

DATED: February 22, 2011

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Robert D. Tadlock

Robert D. Tadlock

Attorneys for Plaintiff

DREYER'S GRAND ICE CREAM, INC.

DATED: February 22, 2011

BRACAMONTES & VLASAK

By: /s/ Michael R. Bracamontes

Michael R. Bracamontes

Attorneys for Defendant

ICE CREAM DISTRIBUTORS OF EVANSVILLE,
LLC and SPIN CITY HOLDINGS, LLC

ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS ORDERED that the Settlement Conference shall be continued to April 12, 2011 at 10 am. Settlement Conference Statements are due on April 5, 2011.

DATED: February 22, 2011

